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Attorney for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

PETER M. BOFFELLI, JR. and TAMMY L.
CULLUM-BOFFELLI,

Plaintiffs,

v.

EMC MORTGAGE CORPORATION,
MORTGAGE ELECTRONIC
REGISTRATION SYSTEM, and AMERICAN
HOME MORTGAGE,

Defendants.

**STIPULATED MOTION FOR
ENLARGEMENT OF TIME TO FILE
OPPOSITION TO DEFENDANTS'
MOTION TO DISMISS**

(Second Request)

Civil No.: 2:10-cv-1514

Judge: Philip M. Pro

Plaintiffs Peter M. Boffelli, Jr. and Tammy L. Cullum-Boffelli ("Plaintiffs") and Defendants JPMorgan Chase Bank, N.A., as successor in interest to EMC Mortgage LLC, formerly known as EMC Mortgage Corporation (sued as EMC Mortgage Corporation) and Mortgage Electronic Registration Systems, Inc. (collectively "Defendants"), by and through their respective counsel of record, jointly stipulate and move this Court for an Order enlarging time for Plaintiffs to respond to Defendants' Motion to Dismiss. In support of this stipulation, the parties state the following:

1. Plaintiffs filed their First Amended Complaint on or about December 29, 2010. (*See* Doc. 4.)

2. At Defendants' request, Plaintiffs granted Defendants an extension of time to prepare and file their responsive pleading. Defendants thereafter filed a Motion to Dismiss on April 1, 2011. (*See* Doc. 9.) Plaintiffs' response to the motion was due on April 18, 2011. *Id.*
3. On or around April 22, 2011, Plaintiffs requested an extension of time to prepare and file their opposition to Defendants' motion to dismiss. Defendants granted Plaintiffs' request and agreed to the extension.
4. By the time Plaintiffs prepared and submitted a draft stipulation regarding the extension to Defendants for their review, however, on April 25, 2011, the Court entered an Order granting Defendants' motion to dismiss and terminating this case. (*See* Doc. 11.)
5. The Court's Order notwithstanding, the parties had previously agreed to allow Plaintiffs additional time to respond to the motion to dismiss.
6. Based on the parties' stipulation, the Court vacated that Order and Ordered the Plaintiffs to file their Opposition to the Motion to Dismiss by May 16, 2011.
7. The parties are actively engaged in settlement discussions and for that reason, jointly request an Order from this Court granting the Plaintiffs additional time to file their Opposition to the Motion to Dismiss.
8. The parties agree that the Plaintiffs' Opposition shall be due on or before May 23, 2011.

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1 9. The parties agree that Defendants' Reply shall be due within ten (10) days of service of
2 Plaintiff's Opposition.

3 DATED this 16th day of May, 2011.

4 CORVUS LAW GROUP, LLC

SMITH LARSEN & WIXOM

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6 /s/ Ryan R. West
 Ryan R. West

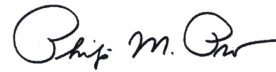
/s/ Jordan J. Butler
Jordan J. Butler

7 Attorney for Plaintiffs

Attorney for Defendants JPMorgan Chase
Bank, N.A., as successor in interest to EMC
Mortgage LLC, formerly known as EMC
Mortgage Corporation, and Mortgage
Electronic Registration Systems, Inc.

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12 **ORDER**

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14 IT IS SO ORDERED.

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17 UNITED STATES DISTRICT JUDGE

18 DATED: May 18, 2011

CERTIFICATE OF SERVICE

I hereby certify that on May 16, 2011, I served the foregoing **STIPULATED MOTION TO SET ASIDE DEFAULT JUDGMENT AND STIPULATED MOTION FOR ENLARGEMENT OF TIME TO FILE OPPOSITION TO DEFENDANTS' MOTION TO DISMISS** on the following via a Notice of Electronic Filing ("NEF") from the Court's CM/ECF system:

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and Mortgage Electronic Registration Systems, Inc.*

/s/ Ryan R. West